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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,407	12/28/2000	S. Scott Friderich	KCC-16,023	7820

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/10/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751407

Applicant(s)

Friderich et al.

Examiner

John Guarriello

Group Art Unit

177

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 12/2/2002, 1/22/2003.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-6, 8-12, 14-16, 26-34 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6, 8-12, 14-16, 26-34 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). #10
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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**DETAILED ACTION**

15. The Examiner acknowledges papers # 10-12, the IDS of 12/2/2002, the extension of time, and the amendment of 1/22/2003.

***Election/Restriction***

16. The Examiner acknowledges the affirmation of the Restriction regarding Group I, claims 1-16, 26-34. Group II, claims 17-25 are withdrawn as directed to the non-elected claims. Restriction is made final for reasons of record since there are no arguments for traversal. The Examiner acknowledges the cancellation of claims 7, 13 and the non-elected claims 17-25.

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

18. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

19. Claims 1-16, 26-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Melbye et al. 5,681,302.

Melbye describes an elastic sheet like composite (corresponding to the claimed stretch edge laminate), (see abstract). Melbye describes improved elastic sheet like composites comprising a multiplicity of elongate strands (corresponding to the claimed plurality of elastic filaments), and one or more sheets of flexible material bonded along sides of the elastic strands, (column 1, lines 30-45). Melbye describes the materials (corresponding to the facing material) can be nonwoven, (column 16, lines 36-40). Melbye describes strands with diameters of about 0.020 inch which encompasses the claimed invention since round filaments would have a ratio of width to thickness of about a ratio of 1.00, (see Examples 1 and 2, columns 17 and 18). Melbye describes facing material corresponding to the first and second sheets fused or

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bonded, (column 4, lines 46-60) encompassing claim 5 of the claimed invention. Melbye describes the essential limitations of the claimed invention, see claims 1-5 of Melbye, columns 21 and 22. Claims lack novelty.

20. Rejections not maintained are withdrawn. Applicant's arguments regarding the rejection of record were considered but are not germane to the new rejection of record.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.




John J. Guarriello:gj

Patent Examiner

March 17, 2003

April 7, 2003



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700